IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 21ST JUNE 2007 / 31ST JYAISHTA 1929

CRL.A.No. 314 of 1999(B)

STC.149/1998 OF JUDL.MAGISTRATE OF FIRST CLASS COURT-I, KANNUR.

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APPELLANT/COMPLAINANT:

P.K. SIVADAS, S/O. KARUNAKARAN,
AGED 59 YEARS, KOLAPPAL HOUSE,
THAVAKKARA ROAD, KANNUR -2.

BY ADV. SRI.P.M.PAREETH.

RESPONDENT/ACCUSED & STATE:

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1. **M.A. RAMESH, S/O. LATE A.P. GOPALAN,**
   HOUSE NO. 26, RAJENDRA NAGAR HOUSING COLONY,
   PODIKUNDU, PALLIKUNNU,
   KANNUR - 4.

2. **STATE OF KERALA, REP: BY PUBLIC PROSECUTOR,**
   HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. AMJAD ALI.

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 21/06/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R. UDAYABHANU, J.

Crl. A. No. 314 of 1999

Dated 21st June, 2007

JUDGMENT

The appellant is the complainant in STC 149/1998, the proceedings initiated under section 138 N.I.Act which happened to be dismissed as the complainant was absent and the accused acquitted under section 256(1) Cr.P.C. It is submitted that the lapse was occasioned on account of the wrong noting of the posting date.

2. In the circumstances, the order of the court below is set aside. The court below is directed to permit the petitioner to further proceed with the matter. The petitioner shall appear before the court below on 26-7-2007.

The court below shall issue fresh summons to the accused.

K.R.UDAYABHANU,
JUDGE.

Kvm/-

K.R.UDAYABHANU, J.

CRL.A. 314 OF 1999

JUDGMENT

21-6-2007.